

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

A.O.A. v. Rennert

A.O.A. · No. 4:11-cv-00044 · Decided April 10, 2026

SUMMARY

The court denied defendants’ motion to reconsider the application of Missouri law to plaintiffs’ punitive-damages claim, concluding that defendants had not established with reasonable certainty that Peruvian law prohibited punitive damages and that Missouri had the more significant relationship to that issue. The court also denied defendants’ motion seeking to limit evidence and argument concerning their Article 1971 safe-harbor immunity defense under Peru’s Civil Code. The court held that the negligence claims extended beyond compliance with Peru’s PAMA requirements and that defendants bore the burden of proving the affirmative defense.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Catherine D. Perry
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	April 10, 2026
DOCKET	4:11-cv-00044
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for reconsideration of the court's prior choice-of-law ruling concerning punitive damages and separately moved for clarification and limitation of evidence and argument concerning their Article 1971 safe-harbor immunity defense. The district court denied both motions.
STANDARD OF REVIEW	The court applied the standards governing reconsideration and evaluated whether defendants had established with reasonable certainty that Peruvian law governed the punitive-damages issue. It also evaluated whether defendants established a legal basis for restricting the evidence and argument relevant to their affirmative immunity defense.
PRECEDENTIAL VALUE	Unknown

TOPICS

motion for reconsideration

affirmative defenses

punitive damages

negligence

environmental law

PRACTICE AREAS

civil procedure

conflict of laws

torts

environmental law

remedies

QUESTIONS PRESENTED

1. Whether defendants established a sufficient change or clarification in Peruvian law to warrant reconsideration of the prior determination that Missouri law applies to plaintiffs' punitive-damages claim.
2. Whether, under Missouri's choice-of-law rules, Missouri or Peruvian law has the most significant relationship to the punitive-damages issue.
3. Whether defendants were entitled to restrict trial evidence and argument on their Article 1971 safe-harbor defense to PAMA defaults determined by a competent Peruvian authority, conduct occurring after such a default, and injuries caused solely by conduct resulting in a PAMA default.
4. Whether compliance with PAMA conclusively constitutes the exercise of a right protected by Article 1971 and insulates defendants from liability for all additional wrongful conduct.

HOLDINGS

1. Missouri law continues to apply to plaintiffs' punitive-damages claim because defendants did not prove with reasonable certainty that Peruvian law prohibits punitive damages in all circumstances alleged in this case.
2. Even if a conflict exists between Missouri and Peruvian law concerning punitive damages, Missouri law governs because Missouri has the more significant relationship to that particular issue.
3. The court will not limit trial evidence and argument concerning Article 1971 to PAMA defaults determined by a Peruvian authority, conduct occurring only after such a default, or injuries caused solely by conduct resulting in a PAMA default.
4. The court had not previously determined that PAMA itself is conclusively a right providing safe-harbor immunity for all defendants' conduct, and defendants may present their argument but may not prevent plaintiffs from presenting contrary evidence and argument.

KEY QUOTATIONS

"In sum, this is not a breach-of-PAMA action. It is a negligence action based on defendants' conduct in the emissions of injury-causing contaminants from the Doe Run smelter." (Opinion text, Part B)

"Accordingly, IT IS HEREBY ORDERED that defendants' Motion Requesting Reconsideration of the Choice of Law Applicable to Punitive Damages [1618] and Motion Seeking Clarification of Legal Issues Related to

Application of the Safe Harbor Immunity Provided by Article 1971 [1616] are DENIED.” (Opinion text, conclusion)

FACTUAL BACKGROUND

Plaintiffs allege that emissions of injury-causing contaminants from the Doe Run Peru smelter resulted from defendants' conduct, including overarching decisions, causative actions, production increases, and failures to implement known emission controls. Defendants asserted that Article 1971 of Peru's Civil Code provides safe-harbor immunity for conduct undertaken in the regular exercise of a right, and contended that compliance with the PAMA regulatory program limited their potential liability. Plaintiffs allege negligence extending beyond PAMA compliance and contend that defendants' conduct caused injuries in Peru while the relevant corporate decisions and misconduct occurred in Missouri.

PROCEDURAL HISTORY

The court previously held in 2018 that Missouri law applied to plaintiffs' punitive-damages claim, and in 2023 held that Peruvian law governed defendants' Article 1971 safe-harbor defense. Defendants sought reconsideration based on purported changes in Peruvian law and sought to restrict the trial evidence concerning PAMA compliance and the alleged causal relationship between PAMA defaults and plaintiffs' injuries. The court rejected both requests and denied the motions.

DISPOSITION

other

CASES CITED

- A.O.A. v. Rennert, 350 F. Supp. 3d 818, 846-48 (E.D. Mo. 2018)
- International Bhd. of Elec. Workers v. Foust, 442 U.S. 42, 48 (1979)
- Gertz v. Robert Welch, Inc., 418 U.S. 323, 350 (1974)
- Reid-Walen v. Hansen, 933 F.2d 1390, 1394 (8th Cir. 1991)
- In re Air Crash Disaster Near Chicago, Ill., 644 F.2d 594, 615 (7th Cir. 1981)
- Singh v. Edwards Lifescience Corp., 210 P.3d 337, 342 (Wash. Ct. App. 2009)